IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 23RD OCTOBER 2007 / 1ST KARTHIKA 1929

Bail Appl..No. 6469 of 2007()

CRIME NO.451/07 OF VADANAPPALLY POLICE STATION

PETITIONERS/ACCUSED 2 TO 4

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1. NAJUMA, AGED 35 YEARS, W/O. NAZAR,
   ANDIPATTIL PUZHANGARA HOUSE, PADUR P.O.,
   THRISSUR DISTRICT - 680 524.

2. MUSTHAK, AGED 24 YEARS, S/O. RAZAK,
   NHALAKATH HOUSE, PADUR P.O.,
   THRISSUR DISTRICT-680 524.

3. K.MOHAMMED HYDER, AGED 60 YEARS,
   ANDIPATTIL PUZHANGARA HOUSE, P.O.PADUR,
   THRISSUR DISTRICT -680 524.

BY ADV. SRI.SANTHEEP ANKARATH

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, REPRESENTING SUB INSPECTOR OF POLICE,
VADANAPPALLY POLICE STATION.

BY P.P. SRI. JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 6469 OF 2007

Dated this the 23rd day of October, 2007

ORDER

Application for anticipatory bail. There is no representation for the petitioners. The petitioners are the relatives of the husband of the de facto complainant. They are arrayed as accused 2 to 4. Matrimonial cruelty of the culpable variety punishable under Sec.498A of the IPC is the main allegation against the petitioners.

2. The petitioners in this petition pray, the learned Public Prosecutor does not oppose the said prayer and I am satisfied, in the facts and circumstances of this case, that the petitioners can be granted anticipatory bail subject to appropriate conditions. It is submitted that the 1st accused i.e., the husband of the complainant has already been arrested and released on bail. The crime has been registered on the

basis of a private complaint filed by the de facto complainant before the learned Magistrate and referred to the police by the learned Magistrate under Sec.156(3) of the Cr.P.C.

3. In the result, this petition is allowed. Following directions are issued under Sec.438 of the Cr.P.C:

(i) The petitioners shall appear before the learned Magistrate having jurisdiction at 11 a.m. on 30/10/07. They shall be released on regular bail on their executing bonds for Rs.25,000/- each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m. and 1 p.m. on 31/10/07 and thereafter as and when directed by the Investigating Officer in writing to do so.

(iii) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law as if these directions were not issued at all;

(iv) If the petitioners were arrested prior to their surrender on 30/10/07 as directed in clause (i) above, they shall be

released on their executing bonds for Rs.25,000/- each without any sureties undertaking to appear before the learned Magistrate on 30/10/07.

Sd/-
(R. BASANT, JUDGE)

Nan/

//true copy//

P.S. to Judge